

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 30, 1979

9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

The Invocation was given by Reverend Tracy Wilder, St. David's Episcopal Church, and Reverend Merle Franke, First English Lutheran Church.

RESOLUTION FOR FR. JOE ZNOTAS

Mayor McClellan read the following Resolution, honoring the memory of Fr. Joe Znotas, and asked that it be spread upon the Minutes of the Meeting:

WHEREAS, Father Joe Znotas elevated the Spirit of Brotherhood to a day-by-day practice in this community, through spiritual work in his parish, community work with all citizens, and encouraging guidance to our youth; and

WHEREAS, his dedication to community activism brought together citizens of all political persuasions and of all ethnic backgrounds to provide a common table for mutual understanding toward seeking solutions to common problems; and

WHEREAS, his deep and abiding faith in all people bore fruit as his community developed a widespread respect for his determined dedication to guide his world toward one better than he found it; and

August 30, 1979

WHEREAS, Father Joe's life in this City has been a living monument to the brotherhood possible between citizens willing to work together for the benefit of all.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That we honor and respect the memory of Father Joe Znotas, who gave our community a goal of brotherhood and love, mutual respect and common understanding; that we share the grief of his family as friends, following his untimely death on August 24, 1979; and that we call on all citizens to stand with us in grateful memory for this man who walked among us in a determined effort to show the strength of love and compassion.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Great Seal of the City of Austin to be affixed, this the 30th day of August, 1979, A.D.

Mr. Hernandez appeared before Council and on behalf of the Govalle neighborhood thanked the Mayor and Council for the Resolution.

IMPROVEMENTS TO BOGGY CREEK

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

The Mayor announced that the ordinance had been finally passed.

COMMUNITY EDUCATION REGISTRATION WEEK

Mayor McClellan read a proclamation declaring September 4-7, 1979, as Community Education Registration Week. It was accepted by Johnnie Cavanaugh, Lester Haines and W. H. Walls. Mr. Haines thanked the Mayor for the proclamation.

UNION LABEL WEEK

Walter Timberlake, President, Austin AFL-CIO, thanked the Mayor for declaring, through proclamation, the week of September 3-8, 1979 as Union Label Week.

MAGIC MONTH

Magic Month will be another name for September, according to a proclamation ready by Mayor McClellan. Turk Pipkin, Kim McCormick, Harry Anderson and Leslie Anderson, representing The Gaslight Theatre, accepted the proclamation with their thanks and appreciation.

BOARDS AND COMMISSIONS

Mayor McClellan announced the following Boards and Commissions appointments will be made September 13, 1979:

- On-Going of Goals Assembly Committee - 1
- Community Development Commission - 1
- Joint Airport Zoning Board - 1
- Plumbing Advisory Board - 1
- Employees' Retirement System of the City of Austin - 1
- Parks and Recreation Board - 1
- Board of Adjustment - 1

The following Boards and Commissions have been previously announced for appointment on September 6, 1979:

- Manpower Advisory Planning Council - 15
- MH/MR Board of Trustees - 2

BID PAYMENT TO AISD

Councilmember Trevino moved that the Council adopt a resolution to authorize bid payment to Austin Independent School District for purchase of 38.53 acres from Austin Independent School District for South Austin Service Center Yard, St. Elmo at Friedrich Lane. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

DEDICATION FOR STREET RIGHT OF WAY

Councilmember Trevino moved that the Council adopt a resolution approving dedication of certain city-owned property for street right of way:

0.52 of one acre of land out of that certain 5.17 acre tract out of the J. M. Mitchell Survey No. 17, for Kerith Dale Drive.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke

Noes: None

AGENDA ITEM POSTPONED

Councilmember Trevino moved that the Council postpone until September 13, 1979, consideration of authorizing eminent domain proceedings to acquire the following tracts of land for Balcones District Park Project:

50.02 acres of land out of the James Rogers Survey and T. J. Chambers Grant

0.42 of one acre of land out of James Rogers Survey and T. J. Chambers Grant

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke

Noes: None

LICENSE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to authorize a License Agreement for encroachment of a sign into public right-of-way (1.0' wide x 5'2" long) adjacent to Lot 5, Block E, Northgate Addition, locally known as 1201 West Anderson Lane. (Requested by Mr. Travis Hastings) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke

Noes: None

CONTRACTS APPROVED

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

VOLUMN SERVICES, INC.
1615 West Algonquin Road
Mt. Prospect, IL

- Food and Drink Concession,
Municipal Auditorium and City
Coliseum. Estimated Revenue to
City \$120,000.00 annually

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

M & R MAINTENANCE
408 Chihuahua Trail
Austin, Texas

- Custodial Cleaning, Manchaca
Branch Library, Library Department
One year contract
\$6,900.00 Annually or \$575.00
Monthly

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

ACCRON CHEMICAL DISTRIBUTORS
3251 North Pan Am Expressway
San Antonio, Texas

- Sodium Hexametaphosphate,
Twelve (12) Months Supply Agreement
Item 1, 119 tons @ \$682.40/ton
Total \$81,205.60

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

TEXAS EMULSIONS, INC.
1103 Perry-Brooks Building
Austin, Texas

- Emulsified Asphalt, Street and
Bridge Division
Item 1, 10,000 gal. @ \$.4313
Item 2, 200,000 gal. @ \$.41
Total \$86,313.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

MOTOROLA, INC.
7719 Wood Hollow Drive
Austin, Texas

- Communications Equipment,
Fire Department
Item 1-4 - \$58,128.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

OLMOS CONSTRUCTION COMPANY
P. O. Box 13172
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Manor Road Asphaltic Concrete
Level-Up and Overlay - HCD
from the east frontage road of
I.H. 35 to Chestnut Avenue -
\$62,116.00 C.I.P. No. 78/62-16

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

VULCAN SIGNS AND STAMPING, INC.
400 East Berry Avenue
Foley, Alabama

- Sign Blanks, Urban Transportation
Department
Twelve month Supply Agreement
Item 1 - \$38,171.50

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

TRAFFIC & TRANSPORTATION SUPPLY, INC.
6350 L.B.J. Freeway
Dallas, Texas

- Traffic Signal Components,
Urban Transportation Department
Items 1-3 - \$7,848.60

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

RAILROAD CROSSING PROTECTION DEVICES

Councilmember Trevino moved that the Council adopt a resolution to enter into a contract with the Southern Pacific Transportation Company for installation of railroad crossing protection devices at Pedernales Street. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

PUBLIC HEARINGS SET

Councilmember Trevino moved that the Council set a public hearing on September 27, 1979 at 9:30 A.M. on an amendment to the Zoning Ordinance relating to the requirement of a Special Permit for public health facilities. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council set a public hearing on October 18, 1979 at 8:30 P.M. to allow home occupations in residential use districts. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council set a public hearing on September 13, 1979 at 7:00 P.M. on the proposed 1979-84 Capital Improvements Program. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Councilmember Trevino moved that the Council set a public hearing on September 13, 1979 at 9:00 A.M. to consider annexation of the following:

1. 205.69 acres of land out of proposed Hunter Oaks and Highlands at Oak Forest Subdivisions and Additional area. (Requested by owner and City of Austin) C7a-79-012
2. 4.39 acres of land out of proposed Walnut Crossing Section 5. (Requested by owner) C7a-79-003

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

AUCTION OF SURPLUS VEHICLES

Councilmember Trevino moved that the Council adopt a resolution to dispose of by auction method on September 8, 1979, surplus vehicles and equipment, including any items which may sell for \$5,000 or more. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

McKOWNVILLE II ET SYSTEM

Councilmember Trevino moved that the Council adopt a resolution requesting the Texas Department of Health to reconsider its action on the Collective Evapotranspiration (ET) System for McKownville II, a Planned Unit Development. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Snell, Trevino, Mayor Pro Tem Cooke
Noes: Councilmember Mullen
Abstain: Councilmember Himmelblau, Mayor McClellan

PARKING FEE AT BARTON SPRINGS

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

ARCHITECT FOR PLUMBING ADVISORY BOARD

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42-A OF THE AUSTIN CITY CODE; PROVIDING THAT AN ARCHITECT WILL BE APPOINTED TO THE PLUMBING ADVISORY BOARD, IF AVAILABLE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 3.46 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3510-3504 MANCHACA ROAD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Otis Ray Simon, C14-79-023)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 8.3534 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 2: A 6.5656 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 3: A 10.00 FEET WIDE ENVIRONMENTAL EASEMENT OUT OF AND A PART OF TRACTS J, AND TRACT I, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 2018-2218 EAST BEN WHITE BOULEVARD, 3500-3700 WOODWARD STREET AND 3400-3600 PARKER LANE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Texas Commerce Bank, et al, C14-78-053)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 5.00 FOOT WIDE STRIP OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 45.00 FOOT WIDE STRIP OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 14.51 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 5820-6220 BEN WHITE BOULEVARD, 3100-3208 MONTOPOLIS DRIVE AND 6010-6210 DAFFODIL DRIVE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Ben White Boulevard No. 1 and Larry J. Kubala, et ux, Andrew Franklin Harris, et ux and William J. Zett, et ux, C14-78-214)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANY CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 9.095 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2411 RUTLAND DRIVE AND ALSO BOUNDED TO THE WEST BY F.M. 1325, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LCOATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Crow-Gottesman, C14-73-253)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 26,400 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1200, 1204 AND 1208 BEN WHITE BOULEVARD, FROM "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (L. Jan Turk & Ralph O. Kehle, C14-79-100)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING, POLICE TRAINING CENTER

Mayor McClellan opened the public hearing scheduled for 9:30 a.m. on Planned Development Area for the Police Training Center south of Burleson Road along Shaw Lane. She said there had been a request to postpone the hearing to a time later in the day.

Motion

Councilmember Trevino moved that the Council postpone the public hearing on the Police Training Center until 7:30 p.m., August 30, 1979. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

Later in the day, the public hearing was opened. Mr. Lillie, Director of Planning, reviewed the request. Chief of Police Frank Dyson reported the area has been endorsed, commented on the safety of the area and said the training center needs to be close to the city. He said the area is flat, with few trees, good drainage and the firing range will be away from residences. He also said the price is right.

JIM CARROL, representing the Del Valle residents, said they welcome the location of the Police Training Center in Del Valle. He said he thinks the Austin Police Department is doing a tremendous job. He did express concern on the part of the residents, that location of the Training Center in their area might speed up annexation plans by the City of Austin, but they understood the annexation of their area is not planned for 20 years. Mr. Davidson, City Manager, assured him the building of the facility in Del Valle will not speed up annexation plans.

RAY SCHOLIF appeared before Council and said he wants more traffic control. He discussed the fact that garbage trucks travel 60 miles an hour and traffic is four abreast in two lanes. Mayor McClellan asked the City Manager to look into the traffic situation promptly.

SARA GUERRA appeared before Council and spoke to the traffic situation and asked for something to be done.

Motion

Councilmember Goodman moved that the Council close the public hearing and proceed with the Planned Development Area for the Police Training Center south of Burleson Road along Shaw Lane. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 A.M. Pursuant to published notice thereof, the following zoning cases were publicly heard:

LAWRENCE M.
JOHNSON
By Randall Wood
C14-79-096

1102 & 1102-1/2 West
Avenue

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission as amended

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Mullen

Noes: Mayor Pro Tem Cooke

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

EULALIO HERNANDEZ
C14-79-136

7812 Gault
1301-1303 Anderson
Lane

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "B" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

C. B. SMITH, SR. 609 Swanee Drive
C14-79-138

From "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN 7900-7932 Cooper Lane
By Planning 701-709 Dittmar Road
Department 7718-7900 South 1st
C14-79-139 Street

From Interim "AA" Residence
1st Height and Area
To "AA" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JACK E. TAYLOR, JR. 2002 Cody Court
C14-79-142

From "BB" Residence
1st Height and Area
To "A" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

DAN COVERT &
JOHN JOSEPH
By John Pettit
C14-79-148

Rear of 8000-8016
IH 35 & U.S. 183

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CHARLES H.
MORRISON, TRS., &
MORRISON MOORE
PROPERTIES
By Tom Curtis
C14-79-150

7919-7921 Dittmar Road
7814-7810 South First

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED (as amended) by the
Planning Commission

Councilmember Trevino moved that the Council grant "LR" Local Retail, 1st Height and Area District, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
By Jack E. Taylor,
Jr.
C14-79-158

2100 Block East 51st
Street

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

COTTON TEXAS, LTD.
By William Cotton
C14-79-133

8900-9006 Great Hills
Trail
5101-5205 Bluffside
Drive

From "AA" Residence
1st Height and Area
To "BB" Residence and
"O" Office
1st Height and Area
RECOMMENDED by the Planning Commission "O"
Office, 1st Height and Area on Tract 2;
and "BB" Residence, 1st Height and Area
on Tract 1 as amended; Tract 1 subject to
6 units per acre, and a rollback to "A"
Residence when at such time the City of
Austin ordinance is amended to allow
condominiums.

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District on Tract 2; "BB" Residence, 1st Height and Area District on Tract 1 as amended; subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District on Tract 2; and "BB" Residence, 1st Height and Area District on Tract 1 as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN A. JOSEPH
C14-79-141

11643 Research Boulevard

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

RECOMMENDED by the Planning Commission
"LR" Local Retail, 1st Height and Area,
as amended, with site plan and subject
to U.S. 183 recommendations.

Councilmember Trevino moved that the Council grant "LR" Local Retail, 1st Height and Area District as amended, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

COTTON TEXAS, LTD., 9208-9302 Great Hills
a Texas Limited Trail
Partnership
By Robert Sneed
C14-79-152

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

RECOMMENDED by the Planning Commission
"O" Office, 1st Height and Area subject
to site plan approval by the Planning
Commission and restricted to office uses
only.

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

COTTON TEXAS, LTD.
By Robert Sneed
C14-79-157

9306-9406 Great Hills
Trail

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

RECOMMENDED (as amended) by the Planning Commission "O" Office, 1st Height and Area subject to site plan approval by the Planning Commission and restricted to office uses only.

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

MARTIN & SHORT
PARTNERSHIP &
DANIEL J. MARTINKA
By W. Lee Choate
C14-79-149

1500-1618 Dungan Lane
9501-9517 Dessau Road

From Interim "AA" Residence
1st Height and Area
To "O" Office and
"DL" Light Industrial
1st Height and Area
NOT Recommended

RECOMMENDED by the Planning Commission "O" Office, 1st Height and Area, and "DL" Light Industrial, 1st Height and Area, in accordance with the site plan as submitted by the applicant to include a 30-foot landscape buffer, a restrictive covenant that 20 feet of "DL" Light Industrial be used for parking only along the northern boundary.

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District and "DL" Light Industrial, 1st Height and Area District, subject to conditions, with a restrictive covenant that 20 feet of "DL" Light Industrial be used for parking only along the northern boundary, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District and "DL" Light Industrial, 1st Height and Area District, subject to conditions, with a restrictive covenant that 20 feet of "DL" Light Industrial be used for parking only along the northern boundary, and the City Attorney was instructed to draw the necessary ordinance to cover.

MATHER-KIRKLAND
HOUSE
By Sinclair Black
and Wayne Gronquist
C14h-79-015

402 Academy Drive

From "B" Residence
2nd Height and Area
To "B-H" Residence-Historic
2nd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

LOVIDA JURECKA
By William Swail
C14-78-033

2003 Montclair Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Goodman moved that the Council grant extension for the zoning case. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

IVY DEAN HUNT
C14-78-047

12012 North IH 35
also bounded by Wren
Avenue and Pollyanna
Avenue

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Goodman moved that the Council grant extension for the zoning case. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

NAOMI SIMER WELCH 1710 Fort View Road
By Elizabeth
Swenson
C14-78-100

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Goodman moved that the Council grant extension for the zoning case. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

ALLEN R. RUNDELL 3913-3953 Steck Avenue
By W. T. Carson 8101-8133 Kerith Dale
C14-78-136

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Goodman moved that the Council grant extension for the zoning case. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

CITY OF AUSTIN
By Planning
Department
C14-79-140

1125-2201 East 51st Street
4906-5108 Manor Road
3400-4902 Manor Road
1934-2226 Anchor Lane
3919-4301 Airport Boulevard
4701-5001 IH 35

From "UND" "A" Residence
1st Height and Area and
"C-1" Commercial
1st Height and Area
To "AV" Aviation
1st Height and Area
RECOMMENDED by the Planning
Department

Mr. Lillie reviewed the application.

MR. IRWIN COGMAN appeared. He stated he is not against the application but wondered if this will mean more airplanes. Mr. Lillie said it would not. Mr. Frank Bishop, Assistant Director of the Airport, explained this would not increase air traffic, because this property is all within the airport.

Councilmember Trevino asked if this land would roll back to its original zoning if a new airport is constructed and Mueller Airport is no longer the main commercial airport. Mr. Lillie told him it will.

Councilmember Goodman moved that the Council grant "AV" Aviation, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "AV" Aviation, 1st Height and Area District, as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

DAVID BARROW, JR.
By Jeryl Hart
C14-79-145

7028 Wood Hollow Drive

From "GR" General Retail
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie reviewed the application. He said the site would be used as a health spa. Councilmember Himmelblau asked about the roll back.

Councilmember Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission, and to roll back if the use changes or if this use is permitted in "GR" General Retail, in the new Zoning Ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

AUSTIN INDEPENDENT
SCHOOL DISTRICT
By City of Austin
C14-79-155

1715-1901 East St. Elmo
Road

From Interim "A" Residence
1st Height and Area
To "D" Industrial
1st Height and Area

RECOMMENDED by the Planning
Commission as amended, "D" Industrial,
1st Height and Area District subject to
a site plan by the Planning Commission and
City Council. The site plan to include
landscape plans, elevation and frontage
proposed buildings and at the time of
review applicant to attempt to downgrade
zoning where it is not needed.

Mr. Lillie reviewed the application. He said the land would be used for a service center for the City. He said they have received a petition but it is not valid because the land is zoning Interim "A" Residence.

Mr. Benny Hawkins, Public Works Department, explained the proposed South Service Center.

WOODROW SLEDGE, representing the Austin Independent School District, said he had never recommended to the School Board that this property should be placed on the market, and there has never been any commitment between the City and AISD to buy and sell the land in question. He said they have to place their properties up for bid and plan to ask for bids on the St. Elmo Road property on September 4th and 5th.

MR. TOM CURTIS, representing the Capital National Bank Trust Department, stated his client is opposed to the zoning change because "D" Industrial is too intensive for the zoning the bank wants on its property in the area. Council-member Himmelblau pointed out the school purchased the land for a stadium and in her opinion that would have been more objectionable than a service center. Mr. Curtis filed a petition for the record.

MR. BILL FITZLER appeared before Council to state he owns property on the frontage road. He is trying to build a prestige area with a 10-story building and motel and does not want trucks as a view from his buildings.

Mr. German, Director of Public Works, told Council and Chamber audience that the site plan for the service center had been revealed at the Planning Commission public hearing.

Mr. Sledge returned to state he would recommend to AISD not to advertise the land for sale until the zoning is clarified and committed. He said Mr. Fitzler's development will solve problems of entrance to the site under question and therefore a stadium would perhaps be advisable. The reason the stadium has not yet been built is due to lack of an entrance.

Councilmember Goodman asked what the estimated cost of the land is. Mr. German told him \$480,000 had been included for the land in a bond proposal. Mr. Sledge stated the land had been \$12,000 an acre before the pending development, but felt it is worth more now.

Mr. German stated other sites had been studied but this is the best. In answer to Councilmember Goodman's question as to whether the Planning Department would normally recommend "D" Industrial when the uses around it are not "D," Mr. Lillie said his department would look at it hard and require a finalized site plan.

Mayor McClellan stated Council, today, authorized by approval of a resolution, staff to submit a bid to AISD for the property.

It was determined by Mr. Hawkins and Mr. German, after being questioned by Mr. Fitzler, that the site is large enough for a service center and will be for ten years. At the rate of growth in Austin it is difficult to prophesize beyond that point.

ED BARKLEY appeared before Council. He is an adjoining property owner who expressed his opposition to the zoning change because he does not think the site is suitable for a public works yard. He said it is already a dangerous and busy intersection with no grade separation. He thought the slow moving heavy equipment would be a deterrent and wants something built there which will provide an open view.

Mayor McClellan requested Joe Ternus to prepare a report on the traffic situation.

Mayor Pro Tem Cooke moved that the Council grant "D" Industrial, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Himmelblau, Snell
Noes: Councilmembers Trevino, Goodman, Mullen

The Mayor announced that the change had been granted to "D" Industrial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

BOBBY R. TAYLOR
C14-79-135

1707-1709 East Martin
Luther King, Jr.
Boulevard, also bounded
by Salina Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

RECOMMENDED by the Planning
Commission, subject to a restrictive
covenant, as volunteered by applicant to
have predominant law office uses only.

Mr. Lillie reviewed the application. Councilmember Himmelblau said she is skeptical about having "O" Office zoning in a residential neighborhood. Councilmember Snell said he knows the applicant personally and his intent for a law office would be an asset to the neighborhood.

Councilmember Snell moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission, and subject to a restrictive covenant that use shall be professional use only, as outlined in the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

LISELOTTE L. 2022-2026 Ben White
GAMBILL Boulevard
By William Brooks 2023-2027 Ivy Trail
C14-79-069

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the Planning
Commission

and

AUBRA L. SPARKMAN 2028-2140 Ben White
& JUANITA SPARKMAN Boulevard
By Lisa Gambill 2029-2113 Ivy Trail
C14-79-107

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the applications by use of slides.

Motion

Councilmember Snell moved that the Council uphold the Planning Commission recommendation to deny "GR" General Retail, 1st Height and Area District and zone the property "A" Residence, 1st Height and Area District. The motion was seconded by Councilmember Goodman.

MR. ALTMAN showed slides of the area and said the big problem with "A" zoning is the fact the bedrooms of the houses are on Ben White. They can't be used as residences except for rent houses, and renters do not stay long because of the noise. Therefore, the property value is depreciating.

MR. C. ALTIS, a realtor, stated the zoning should be something other than residential. The people across the street from these properties would not object to a wall.

MS. LISALOTTE GAMBILL, property owner, said the street really needs a change because the way it is now it mainly collects garbage and old cars.

Councilmember Himmelblau suggested 5 feet of "A" Residence on Ivy Trail, with a privacy fence and a set back from the fence. Mrs. Gambill stated she represented all the owners and this would be done.

CHARLES HOLT said he is opposed to the zoning change. He does not want a fence to face, and his house would devalue if there is a zoning change.

MRS. ALFRED FEUGE asked Council to deny the zoning change as she thought it would make an alley out of Ivy Trail.

MR. JOHN HANCOCK thought if the zoning was changed and the street changed, the trees would all come down.

LILA BALES asked the residential zoning be granted as is.

MR. WILLIAM BROOKS, representing the applicant, stated the lots are deep enough for a business, and two lots have potential buyers.

Councilmember Goodman asked if this is marginal, according to the Planning Department or if they are against the zoning change. Mr. Lillie said they prefer the line of demarkation to be at the rear lot line. He said the change of zoning in this case would not be this way because the fronts of the houses are on Ivy Trail and would face the rear of businesses. He stated both sides of Ivy Trail should be residential.

Roll Call on Motion

Ayes: Councilmembers Goodman, Himmelblau, Snell, Trevino, Mayor McClellan

Noes: Councilmember Mullen

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

The Mayor announced that a change had been granted to "A" Residence, 1st Height and Area District on both zonings, and the City Attorney was instructed to draw the necessary ordinance to cover.

MRS. MAEDEL
JOHNSON
By Clara Mitchell
C14-79-146

506 Denson

From "A" Residence
1st Height and Area
To "O" Office
2nd Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application.

MR. TOM CURTIS, representing the applicant, showed a map of the area and pointed out this zoning change would be in accordance with surrounding zoning.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, and delete 1 foot on east property line. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: Councilmember Goodman

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Hearing Postponed

ALBERT VANDERLEE
C14-77-098

12001 U.S. 183
12200 Howlett Court
12100-12102 Bell Avenue
12000-12004 Tweed Court
5901-6001 & 6000-6004
McCoy Road

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st
Height and Area, subject to
U.S. 183 recommendations.

Councilmember Mullen moved that the Council POSTPONE, until November 29, 1979, at 9:30 a.m., the following zoning case, with the stipulation that the case will not be postponed again. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

Zoning Sent Back to Planning Commission

EDWARD L. ROBERTS
C14-79-151

2917-2919 Martin Luther
King Jr., Boulevard
1809-1815 Clifford

From "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
NOT Recommended by the Planning
Commission

Councilmember Goodman moved that the Council send back to the Planning Commission, the above zoning application. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen,
Mayor Pro Tem Cooke

Mr. Lillie reviewed the application. MR. LARRY ROBERTS, representing the applicant, said the intent of the zoning change is to enable the construction of mini warehouses on the site.

Councilmember Himmelblau pointed out that warehouses cannot be built on "LR" Local Retail. They will need "C" Commercial. Mr. Lillie recommended the application go back to the Planning Commission

Zoning Case Pulled From Agenda

The following zoning case was pulled from the Agenda:

DEBORA A. TREADGILL 4314-4404 Nixon Lane
By Don McElwreath
C14-78-133

From Interim "AA" Residence
1st Height and Area
To "D" Industrial
2nd Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

RECESS

Council recessed its meeting at 12:20 p.m. and resumed its recessed meeting at 2:15 p.m.

REVIEW OF SUBDIVISION ORDINANCE REQUESTED

MR. MAURY HOOD, Chairman of Citizens' Board of Natural Resources and Environmental Quality, appeared before Council to request a review of the Subdivision Ordinance. "What prompted the Board to request you to do this is that they reviewed Forest Ridge, a 427 acre subdivision. The concern is that there is nothing in the check list for a preliminary plat which addresses itself to environmental concerns. So the Planning Commission was in the position of approving a preliminary plat, recognizing that there might be some very serious environmental concerns, but not being able to specifically tell the developer that these concerns would have to be met before they got the final plat. The Board is concerned that this could constitute a very serious substantial cost to the developer to be made aware of these type of problems only on the final plat stage."

Councilmember Himmelblau thought that when the preliminary comes up for hearing at the subdivision hearing, someone from the environmental department can be present then so any stipulation can be made as one of the requirements on a final plat. Mr. Hood pointed out that this is not a required item on a preliminary plat. Mr. Davidson stated, "We've been trying to clarify what can

and cannot be required of the developer. We're only requiring those items which are specified by ordinance. The items Mr. Hood refers to are not in the ordinance." Councilmember Himmelblau said she would hate to put the subdivision through another board other than the Planning Commission. She said this substantiates what she tried to do about three years ago by putting the Environmental Resource Management Department in the Planning Department...and this would solve part of it. She said she does not think she would approve of another board review.

Mr. Davidson said he understands all the Citizens' Board of Natural Resources and Environmental Control really wants is that these concerns are addressed. He suggested that he should get with the two department heads involved here and see what options may be made available in case the Council would like to honor this request.

Mayor McClellan said she thought that would be appropriate and as soon as he gets the information together she thought it should be put on a future agenda for action.

HOUSING PATTERNS STUDY

MS. MERLE MILES, Acting Chairperson of the Human Relations Commission, introduced the Housing Patterns Study to Council and asked them to study it thoroughly. She said the intent of the report is for Council to use it in any future City planning. She said they are asking for a moratorium on the redevelopment plan and urges the Council to meet with neighborhoods.

LICENSE AGREEMENT FOR TROLLEY CAR ON NECHES

Council had before it for consideration a resolution to consider approval of a License Agreement to place a trolley car and appurtenance into public right-of-way on Neches Street south of East 6th Street. (Requested by Mr. Terry Boothe.)

Mr. John German, Director of Public Works, stated the request has been reviewed by various City departments and approved.

Councilmember Himmelblau stated her objection because she said it would mean an ordinance change that would allow this all over town.

TERRY BOOTHE appeared before Council to state his intent is to help with the East 6th Street renovation. He said he will not make any money on it and asked the City to repair the sidewalks and if they do not, asked for waiver of the license fee if he repairs the sidewalks himself.

MR. JOHN DAVIDSON, who owns property adjacent to that owned by Mr. Boothe, asked about the \$517.40 use fee. Mr. German said that is 10% of the retail value. Mr. Davidson then asked questions about default of payment, vandalism problems, etc. Discussion followed regarding what would be sold in the trolley (Mr. Boothe did not know) why it hasn't been endorsed by the Landmark Commission (Betty Baker, Planning Department, said it had been reviewed but no action taken.) Mayor Pro Tem Cooke pointed out the Landmark Commission

has never been shy, and they would let Council know if they do not approve of the trolley on Neches. Mayor McClellan expressed her concern about a precedent being set. Mr. Davidson, City Manager, said that if all criteria are not met, the trolley car will be removed. John Davidson discussed the parking.

Motion

Councilmember Goodman moved that the Council adopt a resolution authorizing a License Agreement to place a trolley car and appurtenance into the public right-of-way on Neches Street south of East 6th Street, with the conditions recommended by staff.

Friendly Amendment

Councilmember Mullen offered a friendly amendment to have an escalation fee to coincide with the cost of living increase.

Councilmember Mullen stated: "I had a real hard time with this. I didn't know how I was going to vote. Fact is, a few minutes ago I thought I was going to vote against it, but I think it's kind of inconsistent to try and accomplish the things we are doing and then continually put road blocks in front of people....I just wanted to make that statement which I very rarely do."

Mayor McClellan stated: "I'm going to abstain for two reasons. One, I think the renovation ought to be brought back to us and that condition has not been put on. It's not just Public Works but ought to be brought back to Council just like we do similar things with site approval. Secondly, I do not think it would be much more of a delay, and certainly not a roadblock, but it would be wise to get advice from Commissions effected."

Roll Call on Motion with Friendly Amendment

Ayes: Councilmember Trevino, Mayor Pro Tem Cooke, Councilmembers Goodman, Mullen

Noes: Councilmembers Snell, Himmelblau

Abstain: Mayor McClellan

Ordinance Amendment

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE AMENDING SECTION 31-4 OF THE AUSTIN CITY CODE OF 1967 BY THE ADDITION OF SUBSECTION g(5); PROVIDING AN EXCEPTION TO THE SALE OF GOODS OR MERCHANDISE UPON PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY, ETC.; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Goodman moved that it be passed to its second reading. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Cooke, Councilmembers
Goodman, Mullen
Noes: Councilmembers Snell, Himmelblau
Abstain: Mayor McClellan

The Mayor announced that the ordinance had been passed through first reading only.

PUBLIC HEARING ON APPEAL -
DECISION OF HISTORIC LANDMARK
COMMISSION

Mayor McClellan opened the public hearing scheduled for 2:00 P.M. on an appeal of the decision of the Historic Landmark Commission, by Mrs. Ellen Bagby, granting a Certificate of Appropriateness to move the Woodburn House to West 44th and Avenue D. (File C14h-78-034).

Mayor McClellan stated, "Before we start this hearing...I sent out a memorandum on Monday to the Legal Department asking a number of questions. My questions related to whether or not Mrs. Bagby is an aggrieved party because she agreed with the decision, and secondly, don't we have to wait 60 days anyway before any final action because other persons could also appeal this decision. Mr. Albert De La Rosa, if you'll speak to that. I want to know what our purpose is today."

Mr. De La Rosa stated: "In answer to the second question you raised, Mayor, the ordinance provides that any aggrieved individual may appeal the decision of the Landmark Commission within 60 days of the decision and we've answered your question to the effect that the Woodburn House cannot be moved until 60 days has expired since the decision of the Historic Landmark Commission because any number of individuals are able to appeal that decision to the City Council, and until that appeal time period has run out. There is always a possibility that a proper person may appeal that decision but the house cannot be moved until 60 days from the decision of the Historic Landmark Commission. A decision was made on August 16, so a move permit for the Woodburn House cannot be issued until 60 days from that date. To answer your question as to the appropriateness of Mrs. Bagby's appeal, she did indeed indicate in her letter that she was in favor of the move and under the Ordinance the person who is appealing that decision must be aggrieved. The individual appeal must disagree with the decision."

Motion

Councilmember Goodman moved that the Council close the public hearing. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Mullen, Snell,
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

Mrs. Dorothy Richter chided the Council for sending out notices to all people within 300 feet when they were not sure it was a legal appeal. Councilmember Goodman informed her that the uncertainty of the situation was evidenced only in the past two days and the mail had already been sent.

PUBLIC HEARING - SITE DEVELOPMENT PERMITS
LAKE AUSTIN WATERSHED

Mayor McClellan opened the public hearing, scheduled for 2:30 p.m. on amending Chapters 29 and 41 of the Austin City Code providing interim requirements for site development permits for the development within Lake Austin Watershed. (TRANSCRIPT OF PROCEEDINGS IS ON FILE IN THE CITY CLERK'S OFFICE.)

Mr. Lillie, Director, Planning Department, stated the Council "in June postponed action on amendments to the Lake Austin Interim controls and referred recommendations to the Environmental Board and Planning Commission for some work to resolve some of the conflicts or disagreements with respect to the amendments." He referred to copies of Chapter 29 and 41 which Council had received and reminded them they have a memo from the Law Department identifying the changes from the current ordinance. "You have a letter from the Chairman of the Planning Commission, identifying four changes from the June draft, and those four changes deal with:

1. Language proposed by the Engineering Department which has been added to the erosion control on restoration section of the recommendations. It requires that vegetation be established and that restoration be certified for acceptance by the appropriate department, in this case I believe is the Public Works Department. It also stipulates that the developer and the City enter into a maintenance and restoration contract in certain circumstances. There is agreement on that change.
2. Within the impervious cover section of proposed language partitioning the watershed along Bull Creek, as you recall that was proposed in June, has been deleted. And the language recommended by the Planning Commission is that the impervious cover standard be changed from 30% on slopes of less than 15%; 20% coverage for slopes of 15-25%; and 10% for slopes steeper than 25%; be changed to 37-15-5. By doing that, it forces development onto the flatter slopes and discourages it on the steeper slopes. And the calculations by the Engineering Department that if the impervious cover requirements were changed for the whole watershed, that the impervious cover would be decreased from 21.7% of the watershed to 21.1% of the watershed by changing the impervious cover standards for the watershed as a whole. There is disagreement between the Planning Commission recommendation and the Environmental Board still on this issue, and the Environmental Board representatives are here to discuss that.
3. At the variance section which there was some problem with, has been changed to bring in the variance section from Chapter 29, which is tighter and more enforceable, and the Legal Department is much happier with it, and I think there is consensus on that change on the variance section.
4. There is a qualification for a grandfather clause exemption to subdivisions in which 1/3 of the preliminary plans approved prior to January 15, 1978, be exempted from the ordinance. To our information this includes one subdivision, which was approved, in the 1972-74 range of time.

....Those are the four points. Of the four, two have agreement and two do not."

NEAL GRAHAM, representing the Citizens' Board of Natural Resources and Environmental Quality, stated they agree with the Planning Commission on the variance section as proposed to Chapter 41 and the amendments to Chapter 29 and 41 concerning a contract for restoration and maintenance. They disagree with the Planning Commission on two items. (1) The grandfather clause because they find no reason with regard to water quality to exempt any subdivision completely from Lake Austin Interim Ordinances. "Currently," he said, "it states that 'provided however that this interim ordinance shall not apply to any subdivision which had a preliminary plan filed and approved prior to January 15, 1978, and had at least 1/3 of that preliminary plan lying outside of the Lake Austin Watershed.' There are two important things here: (1) A very poor precedent is being set by eliminating a subdivision on the basis of how much physical land lies within the watershed. This is an ordinance which is based on water quality, and currently only that portion of the subdivision which lies in the watershed is subject to these controls." Mr. Graham went on to say the second item that is disturbing to his Board is that this subdivision would be eliminated completely from the controls of the ordinance. He said they also disagree "violently" with the Planning Commission's proposal to change impervious cover requirements from 30-20-10 to 37-15-5. He discussed their reasons, which are in the transcript.

KEN MANNING, speaking on behalf of the Sierra Club, thought the review premature. He said there has not yet been time to see a subdivision develop from the initial planning stages to having a subdivision on the ground so they can see what the impact of the ordinance is, or is not. He then showed slides of various subdivisions to show what is happening. He spoke to impervious cover, also.

DIANNE DEBOIS, speaking for the Travis Audubon Society, said she has concern with changes to the ordinance which are not justified on the basis of water quality. She, too, spoke to the lack of data with which to judge the existing ordinance, and disagreed with the changing of impervious cover to 37-15-5. She said it might be acceptable if the dedication of open space is made public open space. Mayor Pro Tem Cooke asked her if her views are those of the Audubon Society. She said she is speaking as an individual and it is the policy of the Audubon Society to support a good ordinance. She said they have some questions about the strength of the existing ordinance and weakening it would be against Audubon policy. She concluded her presentation by showing slides.

MADELYN DAGLE, representing herself, said she thought a change to 37-15-5 would be in the best interest of the developer, and that there are a lot of implications in the proposal. She suggested they be looked at very carefully because, "we still have time to amend the ordinance as it needs to be amended without doing it in this fashion at this time."

ROBERT SNEED, representing Cotton Texas, a developer, spoke to Council. He said they are basically in favor of the changes to the ordinance. Concerning the change in impervious cover, he suggested, (1) leave it at 30-20-10, or (2) alternately provided that it may be one or the other. He said there is 40% less run-off, according to statistics, from a yard that is developed with grass than there is run-off in the natural state of the land.

DAVID BLOCK, speaking for himself, said he did not think grass is much protection from run-off. He thought the proposed amendments, if adopted, would weaken the ordinance.

Mr. Graham returned and gave his version of what the Citizens' Board of Natural Resources and Environmental Quality thought the grandfather clause should contain. He also spoke to the increased density of development which would occur under 37-15-5 impervious cover. He thought there should be a minimal amount of development on steep slopes. This would guard against increased pollution of water.

Motion

Mayor Pro Tem Cooke made a motion, seconded by Councilmember Goodman, as follows: "With regard to the combination of the amendment that we have from both the Planning Commission and the Environmental Board, there were two that the Environmental Board was opposed to, and one dealt with Barrington Oaks and the other was impervious cover. I believe that the last comments of Mr. Graham and Ms. Himmelblau dealing with the grandfather clause is acceptable, including that one, which only really, the only thing we are not talking to is impervious cover."

Substitute Motion

Councilmember Mullen made a substitute motion to close the public hearing and come back September 13, 1979. It was seconded by Councilmember Trevino.

Motion Withdrawn

Mayor Pro Tem Cooke withdrew his motion, and Councilmember Goodman withdrew his second, making Councilmember Mullen's motion, the main motion.

Substitute Motion

Councilmember Himmelblau made a motion to pass an ordinance amending Chapter 41 as follows: "all preliminary plans approved with at least one section recorded prior to January 15, 1978, shall be permitted to meet the following impervious cover requirement, 55% on slopes from 0 to 15% gradient; and 5% on slopes over 15% gradient, and this provision shall not apply to any plat utilizing the alternative methods sections in this Chapter."

Roll Call on Substitute Motion

Ayes: Councilmembers Goodman, Himmelblau, Snell, Mayor McClellan
Noes: Councilmembers Mullen, Trevino, Mayor Pro Tem Cooke

Mayor McClellan stated that the amendment to Chapter 41 passed through FIRST READING ONLY.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Himmelblau, to approve: 1. Language proposed by the Engineering Department has been added to the last sentence of the sections entitled "Erosion Control and Restoration." It requires that vegetation be established and that restoration be certified for acceptance by the appropriate City Department. It also stipulates that the developer and City enter into a maintenance and restoration contract in certain circumstances; and 3. All but the last sentence of the proposed variance section of the interim subdivision controls were deleted and the variance section currently in the Chapter 29 interim controls was substituted in its place, (From the Planning Commission's memo). Councilmember Goodman's motion included suspending the rule, waiving the requirement for three readings, and finally passing amendments to Chapters 29 and 41 of the Austin City Code providing interim requirements for site development permits for the development within the Lake Austin Watershed as follows:

9. These amendments require final plans to contain erosion control and restoration plans conforming to the erosion and sedimentation controls manual.
15. The subdivision portion of the ordinance would be amended to set different requirements for the granting of variances by the Planning Commission. Currently, in order to obtain a variance, a subdivider must show that enforcement of the ordinance would amount to a confiscation of his property. The amendments would relax this burden of proof somewhat in that the Planning Commission would be authorized to grant a variance when it was found that a strict application of the ordinance would deprive the property of privileges or safety enjoyed by other similarly situated property with similarly timed development. In such a case, the variance granted by the Planning Commission can be only a minimum departure from the ordinance requirements which would not create a significant probability of harmful environmental consequences.
16. Under the requirements of erosion control and restoration, these amendments would require that vegetation be established and accepted by the Public Works Department before a project could be considered complete.

Roll Call on Motion

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

(TRANSCRIPT OF PROCEEDINGS IS ON FILE IN THE CITY CLERK'S OFFICE.)

PUBLIC HEARING ON LANDSCAPING REQUIREMENTS

Mayor McClellan opened the public hearing scheduled for 3:00 P.M. to continue discussion on amendment of Chapter 45 of the Austin City Code, Zoning Ordinance, regarding establishment of landscaping requirement on (1) land zoned "BB" or more permissive which is located on streets with a right-of-way 60 feet or more greater and (2) land with twenty or more parking spaces.

(TRANSCRIPT OF PROCEEDINGS IS ON FILE IN CITY CLERK'S OFFICE.)

Mr. Richard Lillie, Director of Planning, stated: "A little over a year ago an Ad Hoc citizens group began to consider amendments to the zoning ordinance dealing with landscaping and during the fall and winter there were joint meetings with the City Departments and a sub-committee of the Planning Commission regarding a draft of an ordinance that would accomplish that purpose. That ordinance was recommended to you by the Planning Commission during the summer and submitted to the City Council for public hearing at the end of last month, during which time it was requested and the Council granted an opportunity for the citizens' Ad Hoc Committee and a group of interested organizations, primarily builders, realtors and investor groups, to work together to see what agreements could be reached with respect to the ordinance. Two meetings were held during the last 30 days and the individuals participating in those meetings include Mr. Charles Meek, Chairman of the citizens' group, and Mr. Tom Sheffelman, representing the developer industry, Mr. Larry Niemann, Mr. Tom Curtis, Mr. Will Garwood, and Mr. Allen Heywood. The purpose of the continued public hearing is to get a report from these gentlemen as to what they will be able to agree on and recommend to Council with respect to the Landscape Ordinance.

There was some discussion by Councilmember Goodman as to who the Ad Hoc committee was. He was informed that after the beginning of this public hearing at a previous Council meeting, those who were in opposition to the ordinance had been contacted. Mr. Lillie stated, "The instructions of the Council were to get these parties together which we did about a week after the Council's public hearing. There were a lot of people involved in that meeting and that it was decided to break into a smaller group and the smaller group was made up of two members of the Landscape Committee and Mr. Niemann and Mr. Curtis, representing the home builders, were chosen to represent that group, and in the subsequent meetings, the smaller groups, which we might call an executive committee, met to work out some of the compromises of a proposal to the Council. Following the last meeting of that group, the instructions were to go back to your organization to see whether or not the proposals that would be presented to Council were acceptable and I think the reports you want to hear today would be from Mr. Niemann representing that group, and from Mr. Meek, representing the landscape committee, as to how their organizations respond to the proposals that are before you."

LARRY NIEMANN appeared before Council representing the Apartment Association, and also as a committee member who worked on the ordinance during the past 30 days. He related how the committee had been formed and worked and said the proponents and opponents, Apartment Association, Homebuilders Association, and developers are all in support of the draft ordinance which has been distributed to Council today. He said Sid Jagger of the Planning Commission gave them his input and blessing. Mr. Niemann went on to state the new ordinance deletes about 90% of the long list of objections that were handed to the Council in writing at the last hearing. He suggested the people be heard today, and the public hearing be continued in two weeks.

Councilmember Goodman asked Mr. Niemann to enumerate the changes, which he did.

MR. CHARLES MEEK, representing the Ad Hoc Committee, appeared before Council to state he thinks the ordinance is a very good one, and his Committee supports it.

BROTHER DANIEL LYNCH, speaking for the Citizen's Board of Natural Resources and Environmental Quality, urged Council to pass an effective ordinance when the time comes.

MARY LEY, speaking for the Board of the Travis Audubon Society, appeared before Council to state they want the City of Austin to develop a Landscape Ordinance and put it into effect as soon as possible. She enumerated those things the Society would like to see in the ordinance.

TOM CURTIS, appearing on behalf of the Austin Association of Builders, stated the ordinance is a product of much time and care. He took issue with comments made by Mary Ley.

JEAN MATHER, speaking for "We Care," said as a member of the Landscape Committee, she presented this to the "We Care" Board on Wednesday and they endorse the Landscape Ordinance.

DOROTHY WALLACE, President, Austin Board of Realtors, read the following statement: "The Austin Board of Realtors wishes to express its support for the revised draft of the proposed landscape ordinance. We commend the Ad Hoc Committee for its spirit of cooperation in drafting an ordinance consistent with the best interest of the City as a whole. The amended version reflects a balanced concern for aesthetic consideration and economic reality. We thank members of the Council for the opportunity to share in the planning process and encourage adoption of the revised draft after the appropriate parties are able to review it."

TOM SHEFFELMAN appeared before Council to state he has worked on the ordinance since last summer and supports it. He said it will not satisfy either the worst or most difficult situations to everyone's liking but he said it is a start and they have to put some rules together on which they agree.

Motion

Councilmember Mullen moved that the Council continue the public hearing on the Landscape Ordinance until September 13, 1979 at 2:00 p.m. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

RESIDENTIAL PLUMBING INSPECTORS

Mayor McClellan opened the public hearing scheduled for 3:30 p.m. to amend Chapter 42, Section A-207, of the Austin City Code, Plumbing Ordinance, to provide a new classification of Residential Plumbing Inspector.

Motion

Councilmember Mullen moved that the Council adopt an ordinance to amend Chapter 42, Section A-207, of the Austin City Code, Plumbing Ordinance, to provide a new classification of Residential Plumbing Inspector. Councilmember Himmelblau seconded the motion.

Mr. Lonnie Davis, Director, Building Inspection Department, reviewed the proposed ordinance and stated that the intent was to create the same situation in the other building trades so that the time of various inspectors could be utilized better. A proposal to cross-train inspectors was presented to the City Council on June 21, 1979 at which time the Council requested that the proposal be shown to certain boards and commissions to obtain their input. Mr. Davis summarized that input as follows:

1. Austin Association of Builders - Unanimous recommendation by the officers and board of directors.
2. Construction Advisory Committee - Recommended Council approval, vote 6 to 1 in favor.
3. Plumbing Advisory Board - All members present (5 of 7) voted to recommend approval.
4. Heating, Air-Conditioning & Refrigeration Appeals Board - All members present (4 of 5) voted unanimously to recommend approval. The absent member called Mr. Davis to support the recommendation.
5. Austin Association of General contractors - Voted to recommend Council approval.
6. Electric Board of Appeals - Voted to recommend Council disapprove the concept of multi-purpose inspectors (6 to 0 vote).
7. Building Code Board of Appeals - Five member Board, with three members present. Two members supported the concept and one did not. Since the Chairman was absent, the Vice-Chairman did not call for a vote.

Mr. Davis next read the following letter from the City of Phoenix, Building Safety Department:

August 30, 1979

(CROSS-TRAINING - Continued)

Mr. Lonnie E. Davis
Director Building Inspection Department
301 West 2nd Street
Austin, Texas 78701

Dear Mr. Davis:

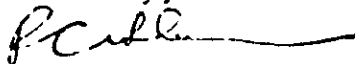
As the result of a telephone call received from Armand Adlanedo, of your office, earlier today I am writing to summarize briefly the experience of the City of Phoenix Building Safety Department with the concept of "general" or "combined" inspections. Mr. Adlanedo tells me that Austin is considering entering into such a program and you are seeking input from jurisdictions which have had experience with this idea.

The General Inspections program of the City of Phoenix was undertaken in 1970. It was undertaken for the purpose of making inspection assignments more efficient and in acknowledgement of the fact that some classes of construction, primarily residential, are less complex in their technological requirements than larger commercial buildings. We have been well satisfied with the results of this program in Phoenix. With the City of Phoenix growing, both in terms of area and population, at one of the most rapid rates in the country I would venture to say that the General Inspections program in our City has made it possible for us to cope with Construction Code enforcement activities in a way which would have been impossible without it. This has been done, and continues to be done, with assurance and confidence that the quality of our inspection activities has not been jeopardized by this program to any significant degree.

I am enclosing a copy of a paper entitled "Comments on the General Inspections Program." You may have seen this paper before since we have distributed it widely throughout the country in response to inquiries related to general inspections. Although this paper was written a number of years ago, its comments and the thrust of its conclusions remain valid even now. Our Department believes that the general inspections concept has served us well and would commend it to anyone else based upon our experience.

I hope these comments will be helpful to you and will look forward to hearing from you further if there is anything more that we might offer.

Sincerely,



R. C. Hildebrandt, Director

Mr. Davis next read the paper referred to in the foregoing letter:

COMMENTS ON THE GENERAL INSPECTIONS PROGRAM

"The Phoenix Building Safety Department implemented a 'General Inspections' program in 1970 by creating a new section of General Inspectors staffed with volunteers from the Building, Plumbing, Electrical and Mechanical Sections. An initial group of four, one from each section, were trained to handle all the inspectional problems - building, plumbing, electrical and mechanical - that might be encountered in the average new single-family residence. This training consisted of six weeks of two-hour daily classroom work, scheduled during working hours. Much of this training was provided by the trainees themselves as each was well qualified in his own trade and they were able to cross-train each other to a great extent. Supplemental training and guidance was provided by the supervisors and senior inspectors of the specialized groups.

"This classroom training was followed by four weeks of field work under the senior inspectors from each of the four specialized sections, after which the General Inspectors were assigned to the inspection of single-family residence structures in tract developments. The initial group of four inspectors has since been expanded to twenty under a Section Supervisor in charge of the program. All were volunteers from the other sections and all were similarly trained. Weekly one-hour training sessions are held on a continuing basis. All inspectors are encouraged to enroll (and most of them do) in related courses being offered by local colleges and other organizations in the area, many of which are conducted by Department personnel.

"While the work load for this group was initially confined to new tract houses, it has since been expanded to include all inspections on single-family houses including additions, alterations, remodeling, fences, pools, accessory buildings, etc. The program has been well received by the contractors and the General Inspectors have been able to make twice the number of inspections per day as the other sections. This is due primarily to a reduction in mileage and travel time, and to the generally less complex nature of the inspections made. It is frequently possible to make several inspections on one job with one trip but this is not necessarily the case. Inspections are made as requested, whether or not multiple inspections can be made. The major advantage in the multiple inspectional capability derives from the fact that the inspectors' daily routing includes more different types of jobs. Instead of being routed from one electrical inspection to the next electrical inspection, probably about four miles away, he may make a plumbing inspection and a mechanical inspection on the way with a consequent reduction in travel time and mileage. This mileage per inspection is currently about 3.8 miles in the specialized sections and 1.2 miles in the General Inspections Section.

"There has been some criticism of this program because it does encroach on the 'professional prerogatives' of the various trades. The logic, however, is unassailable. It simply does not require 15 or 20 years of experience in the plumbing trade to check out a water heater installation, for instance. An inspector does not necessarily have to be an experienced building contractor to inspect a fence, or a patio roof, or a simple garage. Much of the inspectional work load requires the application of common sense rather than technical knowledge. The general inspections program enables us to utilize the 'in depth' technical knowledge of the specialized inspectors to greater advantage on the major projects which require it.

"The pay scale for all inspectors is the same. It was felt that increased volume and the broader technical knowledge required of the General Inspectors was an equitable trade off for the deeper technical skills of the specialized inspectors."

Mayor McClellan then opened discussion from the floor.

DON PARKER, an electrical contractor in Austin, and former member of the Electrical Board, did not think that any money would be saved by dual inspectors. He suggested that putting all electric inspections under the electrical inspectors would save money instead of having separate inspectors for power inspections. He stated that the single family unit of housing was the most important unit in Austin and in the name of safety, asked the Council to vote against the ordinance.

JIM ZOMBOLA, an electrical contractor in Austin operating in other parts of Texas, commented on the toughness of electrical inspections in Austin. He did not believe that anyone could learn to do electrical inspections in 6 weeks. He felt that it would take 9 years to qualify as an electrical inspector. He agreed with Mr. Parker that there were other ways to save money on inspections.

In response to Councilmember Goodman's question, Mr. Zombola stated that he did both union and non-union work.

JOHN CARLSON, who held an Unrestricted Journeyman Electrician's License in Austin, and an Austin homeowner, agreed with Mr. Zombola that there was no way to train an electrical inspector in 6 weeks. He felt that the quality of new houses was slipping and said that if a Council member was thinking about buying a new house, he did not see how they could vote for the proposed ordinance. He did not think the ordinance would work, and that there should be a better place to save money.

H. W. ZUCH, engineering member of the Electrical Board, stated that he had 14-15 years of experience in government with a comparable situation and vouched that the type of inspection desired was never received. He saw no potential saving in that the time of inspection would involve the same manhours, whether done by one or several persons. He was willing to compromise and say maybe, in the instance of plumbing and heating and ventilating some composite basis on which to work together could be found. In the electrical field he felt that there was no way to compromise except to reduce the quality of inspection such as with cross-training.

RAY CLEVELAND sympathized with Lonnie Davis, but did not feel that the quality of inspection should be lowered. He suggested raising inspection fees if necessary to retain good inspections.

BOB LONG, representing Plumbers and Pipefitters Local #286 in Austin, did not know how anyone could inspect any kind of building after only two weeks of training and not being able to install the plumbing. He felt that a plumber would be intelligent enough to fool any inspector with two weeks of training. He spoke of a possible health problem if a sewer line became cross-connected with a water line, and inspector missed it. He agreed that anyone could pass the State test with two weeks training because it was an open book test.

LEMOINE PITMAN, Secretary-Treasurer, Austin Building Trades, stated that inspection fees paid for 75% of all inspections and he did not see how much money would be saved by cross-training inspectors.

STEVE BABKY, an electrician, did not see how someone who did not know the work could qualify as an inspector.

JACK PAYNE, who held a Master Electrician's License in Austin, agreed with Mr. Parker and Mr. Zombola. He did not believe that a plumbing inspector who had been cross-trained to do electrical inspections could tell him how to wire a job so that it would pass inspection.

RICHARD GILMORE, an electrical contractor in Austin, agreed with Mr. Parker and stated that if knowledgeable people were taken off electrical inspections, then the City should be prepared to double the size of its Fire Department.

Leland Williams, Chief Electrical Inspector for the City of Austin, spoke in opposition to the proposed ordinance and stated that in the end the homeowner would suffer from inspections done by cross-trained inspectors.

WALTER TIMBERLAKE, a member of the City's Electrical Board, spoke in opposition to the proposed ordinance.

Councilmember Goodman requested that the following letter from Leland Williams to Lonnie Davis be made a part of the Minutes:

August 30, 1979

(CROSS-TRAINING - Continued)

August 1, 1979

MEMO TO: Lonnie F. Davis, Director, Building Department
FROM: Leland M. Williams, Supervisor, Electrical Inspections
SUBJECT: Office Reorganization

Sir, at this time I cannot support the above because I think there are too many things that have not been answered or addressed in my opinion.

I now have the title Supervisor of Electrical Inspections. I think this means I am responsible for the actions of this division such as permits, inspections, complaints, etc.

When this new procedure goes into effect, I no longer will have any say as to the writing up of electrical permits, taking the calls for finals, rough-ins, etc.

Now when a homeowner or an electrical contractor calls in to complain that a permit he claims to have called in, or called for a rough or final and it has not been done, I usually receive these calls. I then go out to the girls and find out what happened or what did not happen, I then explain to the above my findings. Under the new system the clerks that are under my supervision will be under a new supervisor who knows nothing of electrical inspection procedures, and I will not be responsible for what they do. When I receive these complaints and information about permits, finals, and rough-ins, which I will because the contractors do not know who else to call, I am going to have to tell them that I cannot help them that they will have to call someone else, and this is a bad deal. They think that I am responsible for what happens as far as electrical inspection procedures go. The other problem that I see is I have been told that Sam, Andy, and I will share a clerk to answer our calls, take dictation, do our typing, etc. Again, I think that this is not going to work. As it stands now when I need something typed for someone waiting I have one of my clerks to do it and the person is on his way shortly. When the new procedure goes in effect it will be who has priority first. I have been told this will be no problem.

The other problem is every time my supervisor comes up with a new policy or new procedure, he ask that all supervisors concerned attend a meeting which he sets up. He then tells us that if we see any problems he wants our input. I think not really because it is already cut and dry and he merely wants us to be aware of it, as I witnessed at the above briefing.



Leland M. Williams, Supervisor
Electrical Inspections

HENRY HOLMAN suggested that the Council give Lonnie Davis more inspectors to cover each trade with specialists in that trade.

JIMMY MIDDLETON, Chairman, Plumbing Advisory Board, stated that the ordinance would simply eliminate the requirement that a residential plumbing inspector be a Journeyman plumber.

Councilmember Goodman stated that he did not want to be in a building or home which had its electrical inspection done by a plumber. He recommended adjusting inspection fees to do the job properly.

In response to Mayor McClellan's question, Mr. Davis stated that there was no intention to carry the proposed inspection system beyond one and two family dwellings. It would not be done on commercial buildings.

Mr. Middleton said that the proposed ordinance was a forerunner of a technique that was coming. It did not require a person to have the skills of an installer to inspect an item.

Councilmember Goodman stated that plumbing inspectors would be doing electrical inspections right down the road. Mr. Middleton next explained some of the techniques a good plumbing inspector would need to know to inspect residential plumbing properly. Mayor McClellan asked Mr. Middleton if the Plumbing Advisory Board had been asked to give an opinion about plumbers doing electrical inspections. Mr. Middleton replied, "No." City Manager Davidson stated that there was no schedule at this time to carry the matter into electrical inspections. In conclusion, Mr. Middleton urged the Council to pass the ordinance as recommended by the Plumbing Advisory Board.

Councilmember Goodman said that at a meeting of the Plumbing Advisory Board Mr. Huebner made a motion that the Board go on record as supporting the goals and aims outlined by Mr. Davis for this continuing program. It was seconded by Mr. McNair and carried unanimously.

STAN JOHNSON, JR., representing the Austin Chapter of the Air Conditioning Contractors of America, spoke in support of the proposed ordinance, and felt that under the system inspections probably would get better.

PETER FEARS, a builder and remodeler, expressed concern over the quality of inspections in older homes, and felt that tougher inspectors were needed for those homes. He was opposed to the proposed ordinance.

KEN ZIMMERMAN, representing the Austin Association of Builders, stated that the Association unanimously supported the proposed ordinance.

Leland Williams pointed out that when the proposal was first instituted Mr. Davis called in all of the inspectors and told them that both Board and Council approval would be obtained before cross-training would start. Instead, he said that about a week later cross-training began. Two of his electrical inspectors had been given 16 hours of training by studying a book on how to pass the State plumbing examiner's test. Mr. Williams also said that Phoenix was contemplating going to cross-training for commercial inspections. The construction trade in Dallas had voted down the idea six times. He did not believe that cross-training would work because all current inspectors were loaded up, and the workload would remain the same.

Councilmember Mullen commented that if Phoenix was expanding to commercial, then the program must have been successful in residential inspections. Mr. Williams stated that the person who would suffer under the proposed program would be the individual home owner. Councilmember Goodman stated that he admired Mr. Williams for coming forth with his honest opinions and telling the Council about the problems with the situation in his department.

Restatement of Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42 OF THE AUSTIN CITY CODE OF 1967 BY AMENDING SECTION A-207 AND ADDING THERETO QUALIFICATIONS AND PROVISIONS FOR A RESIDENTIAL PLUMBING INSPECTOR; SUSPENDING THE RULING REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Himmelblau, Mullen

Noes: Councilmembers Snell, Trevino, Goodman

The Mayor announced that the ordinance had been passed through its first reading only.

Mayor McClellan stated that she was voting only on the issue before the Council.

Councilmember Goodman asked Mr. Davis for a report on what had been done so far on cross-training, status of the project at this point and a written report to monitor the project every month or two so that when Phase II came along it would be known how well Phase I was working.

PACKAGE TREATMENT PLANT POLICY

Mayor McClellan opened the public hearing scheduled for 4:00 p.m. on Citizens' Board of Natural Resources' recommendations on proposed Package Treatment Plant Policy.

Dr. Maureen McReynolds, Director, Environmental Resource Management, stated that the proposed Package Treatment Plant Policy had been submitted to the Council previously. The staff had requested more time to review it and had completed that review. The staff concurred with the proposed policy.

BROTHER DANIEL LYNCH, member of the Citizens' Board of Natural Resources and Environmental Quality and Chairman of the committee which considered the subject policy, stated that the Board felt that there was a need for more careful and closer monitoring of the 25 package treatment plants now operating in Travis County. He explained several minor changes in the policy which then read as follows:

"POLICY CONCERNING WASTEWATER PACKAGE TREATMENT PLANTS"

WHEREAS, clean creeks and waterways are one of Austin's most treasured resources of high economic, recreational and ecological value which can be lost; and,

WHEREAS, it is in the best interest of the City of Austin to take part in the control of wastewater treatment facilities within the extra-territorial jurisdiction in such a manner as to conserve these resources; and,

WHEREAS, there are currently twenty five non-City-owned wastewater treatment plants operating within the City's extraterritorial jurisdiction, and there are applications for plant expansions and new plants pending before the Texas Department of Water Resources; and,

WHEREAS, several of these plants discharge treated effluents into waterways within the City's extraterritorial jurisdiction; and

WHEREAS, the Texas Water Commission possesses the sole authority to approve or deny applications for 'package' wastewater treatment plants; and,

WHEREAS, the Texas Department of Water Resources provides staff for the Texas Water Commission, reviews all applications, engineering plans, and the construction of sewage treatment plants, investigates complaints, receives self-monitoring reports, maintains files on all such plants, and is responsible for initiating enforcement actions; and,

WHEREAS, the City of Austin Water and Wastewater Department reviews engineering plans for all package treatment plants within the City's ETJ, pursuant to Section 41-53 of the Subdivision Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Austin City Council shall;

1. Direct the City Manager to appoint a committee of persons from the Office of Environmental Resource Management, Water and Wastewater Department, Planning Department, and the Austin-Travis County Health Department to review each application for non-City-owned wastewater treatment plants, including plant expansions, within the City's extra-territorial jurisdiction, and that such review include, but not be limited to, effluent quality, method of disposal and operation;

2. Direct the City Manager that all plants within the City's extra-territorial jurisdiction shall be monitored by the Austin-Travis County Health Department and the Water and Wastewater Department, also, samples shall be collected and analyzed according to a predetermined schedule established by the joint committee reviewing permit applications;

3. Direct the City Manager that the Office of Environmental Resource Management shall periodically receive and review self-reporting data from the Texas Department of Water Resources;

4. Direct the City Manager to report any violations, problems, or foreseeable problems to the Texas Department of Water Resources;

5. Direct the City Manager that full cost recovery shall be obtained if the City operates any non-City-owned wastewater treatment plants; and,

6. Direct the City Attorney to prepare amendments to the Subdivision Ordinance to specify that the Planning Commission shall have authority to deny final plat approval if there exist conditions which are or could create pollution or public health nuisances.

AND BE IT FURTHER RESOLVED that the following will be the policy of the City of Austin relative to future waste control orders:

1. That when wastewater treatment plants are contemplated in the Lake Austin drainage area, that all possible alternatives be considered to allowing a direct discharge into the City's drinking water supply.

2. That when wastewater treatment plants are contemplated in the Barton Creek drainage area, that all possible alternatives be considered to allowing a direct discharge that would tend to degrade the high recreational, ecological, and aesthetic values of Barton Creek and Barton Springs.

3. That when wastewater treatment plants are contemplated in watersheds of streams contributory to the recharge areas of the Edwards Aquifer (see attached map) that all possible alternatives be considered to allowing a direct discharge that would tend to degrade the water quality of the Aquifer and Barton Springs.

4. That the disposal of effluent by irrigation be encouraged as an alternative to the direct discharge when conditions warrant, and that adequate land be dedicated for that purpose.

5. That when area streams are subject to becoming effluent dominated, a high level of treatment be encouraged."

Brother Lynch urged the Council to adopt the policy for package treatment plants.

Motion

Councilmember Himmelblau moved that the Council close the public hearing and accept the standards of the Environmental Board. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen, Snell
Noes: None

Councilmember Goodman asked if the fees matched the cost of inspecting and monitoring the package treatment plants.

Dr. McReynolds said that a fiscal note was not completed, but a supplemental memorandum had been submitted.

Councilmember Himmelblau commented that she thought all but two of the ones she had asked for last year matched fees with costs.

Councilmember Goodman asked if the monitoring was effective by inspecting the plants. Dr. McReynolds replied that presently there was not a regular monitoring program. The intent of the Board's policy was to create a committee to work out a monitoring schedule and determine what type of monitoring program was needed and to come back to the Council with it. Within 30 days there would be a report on when and how often the plants would be inspected.

CITIZEN DISCUSSED PARKING METER MISUSE

MR. NORMAN FISCHER appeared before Council to discuss city parking meters and parking. He expressed his concern about possible misuse and abuse of parking meters by the Urban Transportation Department, Police Department and a towing company. On July 21 he parked his car at 7th and Brazos. He could find no other place to park, the meter was hooded, but he said he would take his chance on getting a ticket. An hour later he returned to find his car gone. It had been towed by Action Towing and placed in a private parking lot. The meter he had been parked at was hooded as reserved for construction. His office is near the spot where he had parked and he noted a car with a Florida license plate parked at the hooded meter each day. He said Councilmember Mullen checked this out for him. He questioned the ordinance which allows meters to be hooded and wondered why someone from out of state is able to use a hooded meter. He was told the car in question belonged to someone doing construction.

Mayor McClellan asked for a full report on the incident and the policy for hooded meters.

SERTOMA POOR BOY ARTS AND CRAFTS FAIR SIGNS

Councilmember Himmelblau moved that the Council approve the request of Mr. Hardy Fields, Chairman, Sertoma Poor Boy Arts and Crafts Fair, to place portable signs on the City of Austin right-of-way at specified locations. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

PUBLIC HEARING SET FOR CABLE TV FRANCHISE
EAST OF I.H. 35

MR. LUCIUS MOORE, JR., appeared before Council to request that a public hearing be set for a cable TV franchise east of I.H. 35. He said he proposed a different franchise than that offered now. Mr. Albert De La Rosa, Assistant City Attorney, stated a public hearing can be set. Council could direct the Legal Department to come back with a new resolution. The one now in effect specifies city-wide TV franchise, so the resolution which was passed in 1963 would have to be amended. If Council wishes to amend it so a cable TV franchise can be operated east of I.H. 35, only, it can be done. Mr. Jerry Harris, City Attorney, stated the resolution now in effect was adopted in 1963 as the result of a review. To amend the resolution, the basic conditions would have to be reviewed. He said the public hearing can be set and Council can then take all factors into consideration. The present franchise policy is to grant them for 20 years and to include the whole city.

Motion

Councilmember Snell moved that the Council approve the setting of a public hearing for a cable TV franchise east of I.H. 35 for October 18, 1979, at 8:30 P.M. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,
Mullen, Snell, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

REIMBURSEMENT OF FUNDS REQUESTED

MR. JAMES M. HOWARD appeared before Council to request reimbursement of funds spent as representatives from the City of Austin in the 5th Annual Statewide Kickball Tournament. He said the tournament had been held in Corpus Christi and it had cost \$3,500 to make the trip. Austin placed 1st and 3rd which resulted in much good will. He said he is requesting reimbursement of the funds because they are trying to do good things for East Austin, and a regular kickball field needs to be developed. He pointed out that other organizations have received funds from Council.

Motion

Councilmember Snell moved that the Council direct the Parks and Recreation Department and the Parks Commission to look into this and report back to Council September 13, 1979. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmembers
Goodman, Trevino, Mayor Pro Tem Cooke

TEMPORARY STREET CLOSING

Council had before it for consideration a resolution to temporarily close the 800 block of East 32-1/2 Street from 8:00 P.M. to 10:30 A.M., September 8 and 9, 1979, as requested by Mr. Bill Brown representing Delta Sigma Pi Business Fraternity at the University of Texas.

Mr. Brown appeared and said they will clean up afterward and sweep the street. There will be jazz band from 9 p.m. to 2 a.m. They will not have amplified sound. After some discussion, the Mayor and Mr. Albert De La Rosa stated that if there is an excess of noise, causing complaints from the neighbors, the police will respond to calls.

Councilmember Goodman moved that the Council adopt a resolution to temporarily close the 800 block of East 32-1/2 Street from 8:00 P.M. to 10:30 A.M., September 8 and 9, 1979, as requested by Mr. Bill Brown, representing Delta Sigma Pi Business Fraternity at the University of Texas. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,
Councilmember Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino,
Mayor Pro Tem Cooke

SEWER TAPS FOR SUNSET VALLEY

Councilmember Himmelblau introduced an item to Council concerning sewer taps for Sunset Valley in exchange for relinquishment of part of Sunset Valley's extraterritorial jurisdiction. She said she has been working with the Mayor and one of the Councilmembers of Sunset Valley for some time on sewer taps for them. Last night their Council met, she said, and "we have an agreement that they will release approximately 65 acres of their ETJ (extraterritorial jurisdiction) to the City of Austin. Councilmember Himmelblau read the following into the minutes:

"I, the undersigned Clerk for the City of Sunset Valley, Texas, do hereby certify that the following are true and correct copies of the resolution for the ETJ release to the City of Austin on the T. U. Bryant property and grants an easement to the City of Austin for a sanitary sewer.

GIVEN UNDER MY HAND and corporate seal of said
City this the 30th day of August, 1979.

/s/ Cynthia King"

Motion

Councilmember Himmelblau said she would like to suggest that the City Manager come back with the maximum number of taps that he would recommend based on the current Sunset Valley zoning ordinance of a density of one unit per half acre, and present it to the City Council on September 13, 1979. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

OVERALL ECONOMIC DEVELOPMENT PLAN

Mayor McClellan opened the continuation of the public hearing on the Overall Economic Development Plan scheduled for 6:00 P.M. She said this is the second hearing Council has had and before a City can become eligible for financial assistance a plan must be prepared and approved. Once approved, the area of the city designated as special interest impact area becomes eligible for financial assistance for OEDP (Overall Economic Development Plan) administration. She said the purpose of this hearing is to get input from citizens who agree or disagree with proposed submission of this application.

Mr. Lillie, Director of Planning, related to a letter from the Chairman of the Economic Development Task Force, Mr. Snyder. Mr. Lillie said there have been some changes since the spring and summarized the changes for Council.

MANUAL MENA, representing East Town Lake Citizens' Association, the Rainey Street Association, Barrio Association, Govalle Association for Survival and Central Chicano Board, read a statement from them. They felt the area was poorly planned and asked Council not to vote for it. He had a list of demands for Council to follow from the associations he represented. Councilmember Goodman pointed out that today is the last day to submit the application and wondered if adjustments could be made.

CLARA EVOILITO appeared before Council to state she is a poor person and begged Council to save her house. Councilmember Mullen asked her if she was told if this passed she would lose her house. She answered "No."

PAUL HERNANDEZ thought the area could be an industrial park. He was representing the East Town Lake Citizens and the Govalle Association for survival. He stated he wanted to go on record in opposition to the plan. He felt there had not been enough discussion of the plan, and asked for a moratorium until all demands have been met. Councilmember Goodman reminded him there is a deadline. Mr. Miller, Assistant City Manager, stated the application must be in by September 1, 1979. Councilmember Goodman wondered if the lines could be redrawn. Mr. Miller stated they could if the staff worked all weekend. Discussion followed concerning the feasibility of re-designing the plan.

Councilmember Mullen stated the whole idea of OEDP is to create jobs. If Council turns it down, they will lose \$1,000,000.00. Mr. Hernandez made more threats.

MS. MUNIZ said homes will be destroyed and she does not like the plan. She said she cannot believe the Council.

ANTONIO HERNANDEZ, representing ACORN, made accusation of deals being made.

Mayor McClellan asked if neighborhood representatives could be set up to work on the application. Mr. Miller indicated the opportunity for the money may be discontinued and information on that will not be available until November. Councilmember Goodman put in a good word for the plan and said Councilmember Mullen began it with good intentions, but evidently it has not been properly handled. He said he would like to see a neighborhood board.

A woman who did not identify herself said a year ago she had asked Council to listen to the people. She felt the plan as proposed would only help big business.

A person who did not identify himself, representing ACORN, appeared before Council, demanding the Special Impact Area be involved in approving the plan, and said ACORN cannot support the present plan.

HERRERA HERNANDEZ appeared and said he is against the plan.

A person who did not identify himself, stated the public housing will be adversely effected by the proposed plan.

PETE MARTINEZ, Rainey Street Association, stated he did not think the plan will help, but will destroy their neighborhood. He is against the plan because he has never been asked to participate. He demanded the plan either be stopped or a moratorium be placed on it.

FRANK MARTINEZ asked that the lines be redrawn.

GLADYS WASHINGTON, Eastfield Association and ACORN, said they do not like the plan and do not trust the Council.

Councilmember Mullen said they are willing to give the neighborhood 70% control of the plan. If they do not accept it, he again stated it looks like the opportunity for the money will not be offered again next year.

ANN KIM, representing ACORN thought the neighborhood is not being represented.

HELEN MARIE VANDYKE said she will start a manufacturing business and has point out to ACORN that a beginning must be made somewhere. She said the recession process has already begun and does not think this opportunity for money under OEDP should be turned down.

Motion

Councilmember Mullen moved that the Council reject the Overall Economic Development Plan. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen
Noes: None
Abstain: Mayor McClellan

At the time of roll call, the following statements were made:

Mayor McClellan: "I just want to read into the record a couple of comments before I abstain. One is I want to thank Councilman Mullen because I really believe in all sincerity that he started the process with all good intentions and I think we're going to have something good come from it, maybe in a longer time period, but in all sincerity I want to thank Mr. Mullen and thank the Task Force. Hind sight is always a lot better but there were a lot of good people who spent a lot of time in this effort. Third, I want to say there is absolutely nothing wrong with slowing the process though I do realize there is some risk involved in slowing the process. There's no guarantee the dollars are there but there was no guarantee we'd get them this year either. I've been sitting here thinking through the night and if anyone thinks public hearings don't influence you, they are wrong. Public hearings do and the only commitment I made to ACORN when I came into office was a commitment to public hearings was that I would listen and would not commit to any specifics at that time because it was not my style, but there's not one person here in the Council Chambers, well there was one, who said go ahead. But I often think to myself, 'save me from those who want to save me,' and I think if we really are sincere about this effort that we do need to have wide spread support. Certainly we'll never have unanimity on things, we never do, but at least have consensus and widespread support for what we are about. I'm going to abstain on the motion because I don't want to stop the whole process, but I don't want to proceed at this point. I think we need to take some time thinking about how to organize it so we can get widespread support. So, I'll abstain."

Councilmember Trevino: "I was listening to the Mayor's remarks about public hearings convincing Councilmembers. I was also recalling the various motions we've had here at the table among us about whether to approve the plan, disapprove the plan, ask for a two-week postponement, a moratorium, or what. I guess what I'm trying to say is what I should have voted was yes."

Mayor Pro Tem Cooke: "I'd like to say that I've listened to a lot of comment and testimony tonight and from my perspective and involvement with the Economic Development Administration and everything it stands for regarding an Overall Economic Development Plan and have spent a good deal of time trying to understand the federal process not to mention the local process. Probably of all the remarks that have been made tonight, the remarks that were made at the beginning by the East Town Lake Citizens' Association and reviewing those remarks and feeling from my study of OEDP it admittedly, the time spent by my administrative assistant in helping me study OEDP, and also having contact with EDA and other people, I, much to my chagrin, realize I guess that when it comes down to being frank and sincere about what the federal guidelines have to offer and what we have on the table tonight that what has been stated by the East Town Lake Citizens' Association is to the best of my ability as a Councilmember probably correct. I, too, feel that it's a difficult struggle we all face and sometimes it's just easy for us to work at odds with each other and I say that from this side of the dais as much as it comes from the other side and I think that we're here to try to better this community and I certainly know that's Councilman Mullen's intention. And I know it's the intention of all the people that are up here that I've had an opportunity to work with the past 2-1/2 years. I sincerely believe it's the intention of all the people sitting out here in the audience. I think you are disappointed and I am disappointed too but sometimes out of disappointment can come a much better process and something that ultimate-

ly will be in the best interest of all of us. I guess there is a lesson that we all have to learn and that is to listen to each other a little bit more, and hopefully what we do from this point will make us all stronger and stronger as a whole community, because that's what it's all about. I vote Yes."

Councilmember Himmelblau: "A little while ago I asked who in the room was in favor of it. I saw no hands. I know I was criticized a few minutes ago for my attitude, but when we have a hearing and we don't have anyone in favor of what's on the floor then I have to respond to the people I've listened to this evening. So my vote is Yes."

Motion - Died for Lack of Second

Councilmember Goodman moved that the Council accept elected nominees from the East Town Lake Citizens Group, from the Barrio Unido group, Rainey Street Neighborhood Association, Govalle Group, ACORN, Central Chicano, and any other neighborhood group within the SIA; that this Council appoint a new permanent Economic Development Board two weeks from tonight composed of 70% of the residents of that SIA and that the SIA be charged with redesigning or redesignating the boundaries immediately; that we proceed with our application with this neighborhood board in control and that this board design programs to get good paying jobs for minorities and that a strong stipulation be that small businesses owned by minorities be given preference over big business. There was no second to the motion.

Mayor McClellan stated: "Let me tell you my concern. There have been enough questions raised this evening and we're not pushing a September 1 deadline any more. I see no reason for rushing into what we're doing with the same area. We've just heard people speaking to the fact we ought to decide what area first so you know who to nominate and whether they are living in that area. I see no reason to rush headlong tonight after we've been sitting here since 9:00 this morning ... it's not the best thought process to figure out the best way to do it. I think we need a two-week period for suggestions to come to Council, written hopefully."

Councilmember Mullen said, "A new process can be started but as far as the SIA, it's not the right area. As far as the Task Force, it's not the right area. We are going to have to start from scratch and I agree with the Mayor there are other people in South Austin or Clarksville that may want to be in on this, too, and just to make that motion tonight is very bad." ... He thanked all those who have worked for a year and a half on the study, on their time.

RECESS

Council recessed for three minutes.

PROPOSED PROPERTY TAX INCREASE

Council had before it for consideration two resolutions concerning the proposed property tax increase. One involved taking a vote on the Manager's proposed property tax increases, and the other was consideration of wording for notices of public hearing on Manager's proposed property tax increase.

Mr. Jerry Harris, City Attorney, stated: "We're here to discuss the newspaper notices that are required under the state law in the event the City Council desires to consider the Manager's proposed property tax rate increase. The thing I would like to point out to the Council about this statute is, one, Section 1 of the statute requires the Tax-Assessor Collector to compute what is referred to in the statute as a maximum tax rate. Mr. Klitgaard has made that computation and that computation is 97 cents per \$100 of assessed evaluation. Once that computation is made, the pertinent part of the statute I'd like to discuss with the Council is, first, the statute says that the governing body may not adopt a tax rate that exceeds the 97 cents per \$100 evaluation by more than 3% until the public body has given public notice of its intention to adopt a higher rate and has held a public hearing on the proposed increase. Therefore, the statute clearly establishes that a prerequisite to the City Council eventually adopting a tax rate which exceeds 99.9 cents per \$100 of assessed evaluation, the City Council would have to publish a public notice of the Council's intention to do so. Once the statute says that, it says that this notice of intention to adopt such a tax rate has to comply with a very specific form" Mayor McClellan asked, "Intention to adopt such a tax rate, not consider it?" Mr. Harris said, "The statute's wording is 'until the public body has given public notice of its intention to adopt a higher rate and has held a public hearing on the proposed increase.' The statute requires that the ad read precisely as such. It has to be a 1/4 page ad. It has to be in at least 18 point size type and it has to be headed, 'Notice of Tax Increase.' The first line would have to say, 'The City of Austin proposes to increase your property taxes by 9.28%.'" He continued with what the rest of the ad would have to say, and said there is no way the City of Austin can raise its taxes without publishing of this notice and the stated yes vote of four of the Councilmembers.

Motion

Councilmember Goodman moved that the Council approve the resolutions. Councilmember Trevino seconded the motion.

Mayor Pro Tem Cooke said the wording required by State Law, passed by the Legislature in Special Session last year and effective on January 1, 1979, is an implication that the City Council has considered the proposal and voted in a meeting as follows: 'For the proposal to increase taxes, or, against the proposal to increase taxes,' because we have done neither.

Discussion followed concerning the wording of the notice. Mr. Davidson pointed out that if there are not four votes for the consideration, then it may jeopardize the City's ability to collect taxes. Mr. Daron Butler, Budget Director, stated there will be an ad printed right beside it explaining what the notice stipulates. Mr. Harris stated the purpose of the ad is to let people know Council is considering a tax rate hike over 3%. If the ad is not placed in the paper, the City cannot raise taxes more than 3%. More discussion

followed trying to decide what day to have the public hearing. Mayor Pro Tem Cooke thought they should get the Attorney General's opinion. Mr. Harris said it would take at least three months to get a ruling.

It was decided these resolutions should be discussed further at another Council meeting.

Substitute Motion

Councilmember Snell moved that the Council call a Special Council Meeting on September 10 at 4:00 P.M. to discuss taking a vote on the Manager's proposed property tax increase, and the wording of notices of public hearing on Manager's proposed property tax increase. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,
Mayor Pro Tem Cooke

Noes: Councilmember Trevino

Abstain: Councilmember Goodman

LEASE AGREEMENT ADDENDUM

Council had before it for consideration approval of an addendum to the Lease Agreement with T. C. Steiner dated September 16, 1961 for land use for sanitary fill purposes to provide for disposing of surplus excavated earth resulting from landfill operations on the lessor's property and to increase the consideration for the lease.

Councilmember Mullen wondered if someone could come in and haul off the dirt free of charge. He said he thought this would save \$8,000 to \$10,000 a year. Mr. German, Director of Public Works, stated the City would still need some property from Mr. Steiner in order to store it in the interim and a contract to indicate it would be hauled off. He said it is only 5 cents per ton as far as the lease is concerned. After further discussion the following motion was made:

Motion

Councilmember Mullen moved that the Council adopt a resolution to approve an addendum to the Lease Agreement with T. C. Steiner dated September 16, 1961 for land for sanitary fill purposes to provide for disposing of surplus excavated earth resulting from landfill operations on the lessor's property and to increase the consideration for the lease. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
Pro Tem Cooke, Councilmember Goodman

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

PROCEDURES FOR CITIZENS' COMMUNICATIONS

Council had before it a resolution to consider establishing procedures for Citizens' Communications at City Council meetings.

Motion - Died for Lack of Second

Councilmember Goodman moved that the Council set a public hearing on September 13, 1979. There was no second to the motion.

Mayor McClellan and Councilmembers all voiced their opinion of the procedure for Citizens' Communications. PAUL HERNANDEZ asked for a public hearing because he misunderstood and thought the Council meant to cancel citizens' communications. They assured him there was no intent to do so, but rather, to establish a more structured procedure.

Mayor Pro Tem Cooke moved that the Council adopt a resolution establishing procedures for Citizens' Communications at City Council meetings as follows:

1. Limit the total amount of time devoted to Citizens' Communications to one hour.
2. Limit speakers to those who actually appear on the agenda, with written application delivered in person, and on file, in the City Clerk's office by 12:00 Noon, Friday before the Council meeting.
3. Limit the number of speakers that can be placed on the agenda to speak on a given topic. (e.g. a neighborhood group shall have one spokesperson per topic.)
4. The time limit and number of speakers will be 12 speakers allowed 5 minutes each.
5. A potential speaker will be prohibited from giving his/her time to another speaker.
6. People who want to speak, who are not on the agenda, may do so at the end of the regular meeting.

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

GRANT FOR LOCAL ART ORGANIZATIONS

Councilmember Himmelblau moved that the Council adopt a resolution to authorize submission of an application to the Texas Commission for the Arts, for a grant in the amount of \$6,000 to provide technical assistance administrative services to local art organizations. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem
Cooke, Councilmembers Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Mr. Ehrler, Director of Parks and Recreation, said this money is needed for a cultural center.

PUBLIC HEARING SET

Councilmember Himmelblau moved that the Council set a public hearing for October 11, 1979 at 10:30 A.M. on the appeal from the decision of the Building Standards Commission to move the Woodburn House at 200 East 40th Street. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Himmelblau, Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

EEOC APPROPRIATION

Mayor Pro Tem Cooke introduced the following ordinance.

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$43,750.00 FROM THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE PURPOSE OF PROCESSING AND RESOLVING CHARGES OF EMPLOYMENT DISCRIMINATION; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,
Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

Mayor Pro Tem Cooke announced that the ordinance had been finally passed.

CITY MANAGER REPORTS PULLED FROM AGENDA

The following City Manager Reports were pulled from the Agenda:

1. Review and consider extending time for fees for recreational services.
2. Report on Barton Creek/Zilker Park Land Acquisition.
3. Proposed Municipal Parking Facilities.
4. Alley Maintenance Programs.
5. Space for Rosewood MH-MR at Rosewood-Zaragosa.

ADJOURNMENT

Council adjourned its meeting at 11:40 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk